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3 **LODGED**

4 **NOV - 8 2001**

5 CLERK, U.S. DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
7 BY                       
8 DEPUTY CLERK

**FILED**

**NOV 13 2001**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
                      
DEPUTY CLERK

9 UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF CALIFORNIA

10 ANDREW H. K. WONG,

11 Plaintiff,

12 v.

13 THE REGENTS OF THE UNIVERSITY OF  
14 CALIFORNIA,

15 Defendant.

) CASE NO. CIV-S-96 965-LKK-GGH

) **JUDGMENT**

16  
17 This matter came on regularly for trial on October 22, 2001. Hunter Pyle appeared on  
18 behalf of plaintiff ANDREW WONG and Michael T. Lucey and Michael D. Bruno appeared on  
19 behalf of defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.

20 At the hearing on defendant's Motion in Limine to Exclude Argument that Failure  
21 to Accommodate Constitutes Evidence of Discrimination, plaintiff conceded that under existing  
22 law a person who is not disabled within the meaning of the ADA and the Rehabilitation Act does  
23 not have a right to 'reasonable accommodation.' Plaintiff further conceded that the basis of his  
24 claim against defendant is defendant's refusal to grant him reasonable accommodation. If  
25 precluded from introducing evidence regarding defendant's failure to grant him reasonable  
26 accommodation, plaintiff lacks sufficient evidence to sustain his burden of proof on his claim

1 under the ADA and the Rehabilitation Act.

2 GOOD CAUSE APPEARING THEREFOR, judgment is hereby entered in favor  
3 of Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA and against plaintiff  
4 ANDREW WONG.

5  
6 Dated: November 9, 2001

By   
LAWRENCE K. KARLTON  
UNITED STATES DISTRICT JUDGE

mdk

United States District Court  
for the  
Eastern District of California  
November 13, 2001

\* \* CERTIFICATE OF SERVICE \* \*

2:96-cv-00965

Wong

v.

Regents of the Univ

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on November 13, 2001, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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SJ/LKK

VC/GGH

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Jack L. Wagner, Clerk

BY:

  
Deputy Clerk